

Chapter 27.37

B-5 PLANNED REGIONAL BUSINESS DISTRICT

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The regulations set forth in this chapter are established to permit the development of regional retail shopping facilities and related activities which will provide for planned and controlled consumer services for all segments of the population, promote healthful economic growth, create a desirable environment, best complement the general land use pattern of the community, and assist in implementing the established goals and policies of the community.

27.37.010 Scope of Regulations.

The regulations set forth in this chapter, or set forth elsewhere in this title and referred to in this chapter, are the regulations for the B-5 Planned Regional Business District. (Ord. 12571 §220; May 8, 1979).

27.37.020 Use Regulations.

(a) General regulations. Any development, including building and open land uses, except farming and the sale of farm produce, shall be prohibited in the B-5 Planned Regional Business District prior to the approval of a use permit in conformance with the requirements of this chapter. B-5 Planned Regional Business District zoning shall not be permitted or granted upon any property having a total area of less than thirty acres.

(b) Permitted uses. A building or premises may be used only for the following purposes in the B-5 Planned Regional Business District:

- (1) Stores or shops for the sale of goods at retail, and shops providing service for such goods;
- (2) Business offices;
- (3) Personal and professional services;
- (4) Places of public assembly, entertainment, or recreation, except theaters;
- (5) Hotels or motels;
- (6) Banks and savings and loan associations, credit unions, and finance companies;

- (7) Private schools, including but not limited to business or commercial schools, dance or music academies, and nursery schools;
- (8) Restaurants;
- (9) Service stations, and automobile washing services;
- (10) Automobile sales establishments;
- (11) Residential uses;
- (12) Public or nonprofit community services;
- (13) Dry cleaning or laundry establishment; provided, the floor area does not exceed 2,000 square feet, exclusive of office and "pickup space";
- (14) Enclosed commercial recreational facilities;
- (15) Tailor shops, shoe repair shops, upholstery shops, printing and photocopying shops, or other, similar business establishments. (Ord. 18345 §3; April 26, 2004: prior Ord. 18301 §3; February 9, 2004: Ord. 17320 §3; April 20, 1998: Ord. 16962 §4; March 25, 1996: Ord. 16767 §7; April 10, 1995: Ord. 16593 §4; April 11, 1994: Ord. 16075 §1; March 16, 1992: Ord. 15368 §13; December 18, 1989: Ord. 15310 §1; October 2, 1989: Ord. 13736 §4; December 12, 1983: Ord. 12751 §16; November 5, 1979: Ord. 12571 §221; May 8, 1979).

27.37.025 Permitted Conditional Uses.

Any building or premises may be used for the following purposes in the B-5 Planned Regional Business District in conformance with the conditions prescribed herein:

- (a) Early childhood care facilities:
 - (1) Such facilities shall comply with all applicable state and local early childhood care requirements;
 - (2) Such facilities shall comply with all applicable building and life safety code requirements;
 - (3) Such facilities shall be fenced and have play areas that comply with the design standards for early childhood care facilities.
- (b) Tents and other temporary structures: Tents or other temporary structures shall be permitted for the temporary or seasonal sales of goods at retail under the following conditions:
 - (1) A tent or other temporary structure shall not reduce the amount of on-site parking to less than the minimum required;
 - (2) A tent or other temporary structure shall not remain on the premises for more than 180 consecutive days;
 - (3) A tent or other temporary structure shall comply with all applicable building and life safety codes;

A tent or other temporary structure need not be shown on the approved use permit site plan.
- (c) Sale of alcoholic beverages for consumption on the premises:
 - (1) When the building containing the licensed premises abuts a residential district, the required yards shall be met.
 - (2) Parking shall be in conformance with the provisions of Chapter 27.67; provided that no parking spaces shall be located in that portion of any required side yard or rear yard of the building containing the licensed premises that abuts a residential district.
 - (3) Any exterior door opening must meet the following conditions:
 - (i) Be located at least 100 feet (as measured by the shortest, most direct distance) from a day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), or a residential district; provided that, if there is an intervening

exterior wall of the building containing the licensed premises between the exterior door opening and such day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), then the 100 feet shall be measured from the exterior door opening, along the exterior base of the building wall(s) to the point where there is no intervening exterior building wall, and from that point the shortest, most direct distance to the day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), or residential district.

(ii) If the exterior door opening faces a residential district, then such opening shall be at least 150 feet from a residential district as measured by the shortest, most direct perpendicular distance. The exterior door shall not be kept or propped open during the hours of operation. For purposes of this section, “exterior door opening” shall mean (A) that portion of the exterior wall face of the building containing the licensed premises that contains a break to accommodate the exterior building door, door frame, door vestibule, or door entryway area; and (B) provides public or membership access to the licensed premises. “Exterior door opening” shall not apply to openings for emergency exit doors required by building or safety codes, loading doors or unloading doors that are not available for public or membership access in the ordinary course of business.

(4) Vehicle stacking for a drive-through window used as any part of the permitted business operation shall not be located in any required building setback from a residential district.

(5) The use shall not have any amplified outside sound or noise source, including bells, buzzers, pagers, microphones, or speakers within 150 feet of any residential district. This shall not apply to sound sources audible only to the individual to whom they are directed, such as personal pagers, beepers, or telephones.

(6) Notwithstanding any contrary provision contained in Section 27.37.070, the yard requirements, the parking location requirements, and the exterior door opening location requirements in this section shall not be adjusted by the City Council.

(d) Sale of alcoholic beverages for consumption off the premises:

(1) When the building containing the licensed premises abuts a residential district, the required yards shall be met.

(2) Parking shall be in conformance with the provisions of Chapter 27.67; provided that no parking spaces shall be located in that portion of any required side yard or rear yard of the building containing the licensed premises that abuts a residential district.

(3) Any exterior door opening must meet the following conditions:

(i) Be located at least 100 feet (as measured by the shortest, most direct distance) from a day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), or a residential district; provided that, if there is an intervening exterior wall of the building containing the licensed premises between the exterior door opening and such day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), or residential district, then the 100 feet shall be measured from the exterior door opening, along the exterior base of the building wall(s) to the point where there is no intervening exterior building wall, and from that point the shortest, most direct distance to the day care facility, church, state mental health institution, park (excluding golf courses and hiker/biker trails), or residential district.

(ii) If the exterior door opening faces a residential district, then such opening shall be at least 150 feet from a residential district as measured by the shortest, most direct perpendicular distance. The exterior door shall not be kept or propped open during the hours of operation. For purposes of this section, “exterior door opening” shall mean (A) that portion of the

exterior wall face of the building containing the licensed premises that contains a break to accommodate the exterior building door, door frame, door vestibule, or door entryway area; and (B) provides public or membership access to the licensed premises. "Exterior door opening" shall not apply to openings for emergency exit doors required by building or safety codes, loading doors or unloading doors that are not available for public or membership access in the ordinary course of business.

(4) Vehicle stacking for a drive-through window used as any part of the permitted business operation shall not be located in any required building setback from a residential district.

(5) The use shall not have any amplified outside sound or noise source, including bells, buzzers, pagers, microphones, or speakers within 150 feet of any residential district. This shall not apply to sound sources audible only to the individual to whom they are directed, such as personal pagers, beepers, or telephones.

(6) Notwithstanding any contrary provision contained in Section 27.37.070, the yard requirements, the parking location requirements, and the exterior door opening location requirements in this section shall not be adjusted by the City Council. (Ord. 18345 §4; April 26, 2004; prior Ord. 17051 §2; August 26, 1996; Ord. 16854 §33; August 14, 1995).

27.37.030 Permitted Special Uses.

A building or premises may be used for the following purposes in the B-5 Planned Regional Business District if a special permit for such use has been obtained in conformance with the requirements of this chapter and Chapter 27.63:

- (a) Historic preservation;
- (b) Public utility purposes;
- (c) Wind energy conversion systems;
- (d) Theaters;
- (e) Broadcast towers. (Ord. 18229 §4; August 18, 2003; prior Ord. 17070 §2; October 7, 1996; Ord. 16075 §2; March 16, 1992; Ord. 14774 §2; October 19, 1987; Ord. 14138 §3; July 1, 1985; Ord. 14050 §1; February 11, 1985; Ord. 12978 §18; August 25, 1980; Ord. 12894 §18; April 15, 1980; Ord. 12571 §222; May 8, 1979).

27.37.033 Accessory Uses.

Accessory uses permitted in the B-5 Planned Regional Business District are accessory buildings and uses customarily incident to the permitted uses. (Ord. 12571 §223; May 8, 1979).

27.37.040 Parking Regulations.

All parking within the B-5 Planned Regional Business District shall be regulated in conformance with the provisions of Chapter 27.67. (Ord. 12571 §224; May 8, 1979).

27.37.050 Sign Regulations.

Signs within the B-5 Planned Regional Business District shall be regulated in conformance with the provisions of Chapter 27.69. (Ord. 12571 §225; May 8, 1979).

27.37.055 Grading and Land Disturbance Regulations.

Grading and land disturbance within the B-5 Planned Regional Business District shall be regulated in conformance with the provisions of Chapter 27.81. (Ord. 17618 §20; February 22, 2000.)

27.37.060 Height and Area Regulations.

The maximum height and minimum lot requirements within the B-5 Planned Regional Business District shall be as follows:

(a) The required front yard shall be fifty feet. The required front yard shall be entirely landscaped, except for the necessary paving of walkways and driveways to reach parking and loading areas in the side or rear yards, provided that any driveways which traverse the front yard shall not be wider than thirty feet.

(b) There shall be a required yard of 100 feet wherever a lot abuts a residential district, and such yard shall be screened in conformance with the landscape design standards adopted by resolution of the City Council.

(c) There shall be a required front yard along each street side of a double-frontage lot.

(d) There shall be a required front yard along each street side of a corner lot.

(e) The maximum permitted height shall be forty feet.

(f) Open space requirements for residential use: A minimum amount of usable and accessible open space must be provided for each residential use. This requirement shall be as follows:

125 square feet for the first dwelling unit;

80 square feet per unit for the next four dwelling units;

25 square feet per unit for the next four dwelling units;

20 square feet per unit for each additional dwelling unit beyond
nine.

This open space requirement may be met in the following manner:

(1) The required rear yard may be counted; however, the required front and side yards may not be counted toward fulfillment of said open space requirement, except for porches, terraces, and balconies as permitted in Sections 27.71.100 and 27.71.110;

(2) Parking spaces, and land occupied by any building or structure may not be counted toward fulfillment of this open space requirement;

(3) Required open space may be provided either on a balcony four or more feet in depth or on a rooftop, provided that the roof is designed and surfaced in such a manner that it may be developed with areas of plantings, open space, recreational, and other uses that are consistent with similar uses in ground-level side and rear yards for dwellings. Such rooftop areas may not be occupied by structures such as vents, exhaust intakes, or other mechanical devices, except where they do not interfere with the usable nature of the open space;

(4) The depth-to-width ratio of any area used to fulfill the open space requirement may not exceed three to one if the smallest dimension of the open space is twelve feet or less.

(g) Accessory buildings which are attached to or not located more than ten feet from the main structure shall be considered a part of the main structure and shall comply with the height and yard requirements of the main structure. Accessory buildings not a part of the main structure may be located in the required rear yard if such yard does not abut a residential district or use, but such accessory buildings may not occupy more than thirty percent of the required rear yard and shall not be nearer than two feet to any side or rear lot line, nor more than fifteen feet in height. A garage which is entered from an alley shall not be located closer than ten feet to the alley line. (Ord. 12571 §226; May 8, 1979).

27.37.070 Use Permits; Procedures and Requirements.

(a) Minimum requirements. No use permit shall be granted upon any property having a total area of less than thirty acres, nor for any plan unless it is in conformance with all applicable city standards and with all regulations of the applicable sections of this chapter. The Planning Commission shall impose such conditions as are appropriate and necessary to ensure compliance with the Comprehensive Plan and protect the health, safety, and general welfare in the issuance of any use permits. Such conditions may include an increase in the minimum yard requirements and a decrease in the maximum height restrictions set forth in this chapter. Lots fronting on private roadways may be permitted. Unless expressly modified by the terms of the use permit, all regulations of the B-5 Planned Regional Business District shall apply.

(b) Environmental performance standards. Any applicant for a use permit under the provisions of this section shall comply with such environmental performance standards relating to noise, emission, dust, odor, glare, and heat as shall be from time to time established by various municipal departments and approved by resolution of the City Council.

(c) Environmental impact statement and market analysis. If any application for a change of zone to the B-5 Planned Regional Business District or for a use permit under the provisions of this section substantially deviates from the Comprehensive Plan in terms of location or size, as determined by the Planning Director, the applicant shall submit an environmental impact statement and a market analysis which shall serve as a guide to the Planning Commission for evaluation of such application in terms of need, desirability, supportability, and its implications for the overall growth of the community. The Planning Director shall develop appropriate written standards and forms for such environmental impact statement and market analysis, which shall be approved by the City Council after report and recommendation of the Planning Commission.

(d) Landscape plan. Each application for a use permit under this section shall include a landscape plan which shall show proposed plantings in conformance with city standards in all required yard areas, open space areas, malls, parking areas and around proposed buildings. The Planning Director shall develop appropriate written standards for such landscape plans, which standards shall be approved by resolution of the City Council.

(e) Application requirements. Applications for a use permit under this section shall be filed by the owner in writing with the Planning Department on a form provided by the city. A preliminary plan shall accompany each application and shall include the following information:

- (1) Boundary survey and gross acreage;
- (2) Contour lines at intervals not to exceed five feet based on NAVD 1988. Spot elevations on one hundred foot grids shall be required to fully indicate the topography on flat land;
- (3) Street right of way;
- (4) Utility easements;
- (5) Adjacent land use and zoning classifications;
- (6) Location of structures on property;
- (7) Vicinity map;
- (8) Date prepared, scale and north point;
- (9) Schematic building layout;
- (10) Parking areas and capacity;
- (11) Open space for residential uses;
- (12) Use of buildings, such as retail, service, restaurant, office, residential, and other uses. Buildings to be included in the first phase construction shall include tenant occupancies where known. A clear demonstration shall be made that the residential use will be protected from

adverse effects, such as traffic, air pollution, noise, and glare; and the mixing of residential and commercial uses on the ground level shall be discouraged;

(13) Acreage and percentage of total developed building area, parking lots, open space, malls, and other features;

(14) Height of buildings;

(15) Location of existing trees and proposed landscape plan;

(16) Proposed vehicular and pedestrian circulation system, including ingress and egress;

(17) Building and parking setback lines;

(18) Grading plan;

(19) Phase of development and proposed starting dates;

(20) Discussion of adverse environmental effects of the project and proposed steps to minimize these effects;

(21) On-site and off-site water and sanitary sewer improvements;

(22) On-site and off-site drainage and storm sewer improvements;

(23) Location of proposed free-standing signs;

(24) Cross-section for paving of parking lots and sidewalks;

(25) Proposed name, if any, of the shopping center;

(26) Name, address, and telephone number of developer, certified record owner, or owners, and addresses; legal description of the proposed use permit area, including the number of acres.

(f) Planning Commission review. Upon the filing of an application together with all maps, data, and information required by this section, the City Council shall refer the application to the Planning Commission. The Planning Commission shall hold a public hearing upon such application and shall consider the effect of the proposed use upon the surrounding neighborhood, the community as a whole, and other matters relating to public health, safety, and general welfare.

(g) Planning Commission action. After holding at least one public hearing, the Planning Commission shall proceed to give final consideration to the application and may require that certain conditions be fulfilled by the applicant in conjunction with approval of the use permit applied for, and may include the requirement that applicant grant additional right of way in accordance with the Comprehensive Plan. The Planning Commission may require the execution of a written agreement with the city relating to the installation of public improvements by the applicant, together with the execution of performance bonds or provision of other appropriate surety relating thereto. The installation of all public improvements shall be accomplished in compliance with existing city standards as provided by ordinance or by departmental publications approved by resolution of the City Council. In the event the Planning Commission fails to act upon the application within sixty days from the date of referral, the applicant may appeal to the City Council requesting final action. If the City Council determines that the delay of the Planning Commission is unjustified, it shall direct the commission to act upon the application no later than the commission's next regularly scheduled meeting.

(h) Appeal of Planning Commission action. (1) Any aggrieved person or any person or group officially designated to participate in the administration of this title may appeal any action of the Planning Commission to the City Council by filing notice of appeal with the City Clerk within fourteen days following the action of the Planning Commission.

(2) Upon receipt of the appeal by the City Council, the council shall hold a public hearing thereon within thirty days from the date of appeal. Notice of the public hearing shall be given as provided in Chapter 27.81.

(3) The City Council may, after public hearing, in conformity with the provisions of this title reverse or affirm, wholly or partially, or may modify the action of the Planning Commission appealed from.

(i) Adjustment of yard requirements, height restrictions, and parking.

(1) Upon request of the applicant, the City Council may, after report and recommendation of the Planning Commission, decrease the minimum yard requirements and increase the maximum height restrictions and may adjust the requirements relative to the location of buildings and required parking spaces and lot frontage set forth in this chapter consistent with adequate protection of the environment of adjacent land uses.

(2) Upon request of the applicant, the City Council may, after report and recommendation of the Planning Commission, decrease the required parking set forth in this chapter and Chapter 27.67 if it is determined that the mix of uses or ownership patterns create situations where the applicability of a particular standard is not feasible.

(3) The Planning Commission shall hold a public hearing upon the requested adjustment at the same time that it hears the application for the use permit and shall make a report to the City Council regarding the effect the proposed use and adjustment has upon the surrounding neighborhood, the community as a whole, and other matters relating to public health, safety, and general welfare. Upon receiving a report from the Planning Commission, the City Council shall take final action upon the application for the use permit and the requested adjustment.

(j) Amendment. The Planning Director is authorized to approve amendments to any use permit granted under this section, including square footage of floor area and storage space in phases of development; provided, that:

(1) A request for amendment is filed with the Planning Director, together with any of the information specified in paragraph (f) above which is pertinent to the proposed amendment;

(2) Such amendment shall not violate any provisions of this title;

(3) Such amendment may provide for minor increases in total floor area and storage space originally permitted;

(4) There is no increase in the number of dwelling units;

(5) No reduction is made to the applicable setback or yard requirements;

(6) No public land is accepted;

(7) Such amendment shall not be contrary to the general purpose section as specified in paragraph (a) above;

(8) Any amendment not in conformance with this paragraph shall be submitted to the Planning Commission in the same manner as an original use permit.

(k) Building permits, certificates of occupancy and certificates of compliance. Upon the approval of a use permit as provided for under this section, building permits and certificates of occupancy may be issued. Certificates of compliance shall not be issued until there has been compliance with all conditions and subsequent amendments within each phase of development of a use permit.

(l) Preexisting uses. An existing use of a type permitted in this chapter which was lawfully established in this district on the effective date of this title, and any enlargement or extension as permitted in this section, shall be deemed to have received a use permit as herein

required and shall be provided with such permit by the Director of Building and Safety upon request, and shall not be a nonconforming use.

(m) If an application for a use permit located within a flood plain is granted approval by the city, it shall not be necessary for the applicant to make an application for a special permit to be approved by the City Council as required by Resolution Nos. A-55150, A-56382, and A-57540. It shall be presumed that the applicant has received all such approvals as may be required by the foregoing resolutions by virtue of the city granting approval to the use permit. (Ord. 17857 §4; June 4, 2001: prior Ord. 16766 §5; April 10, 1995: Ord. 16284 §3; December 14, 1992: Ord. 15239 §3; August 7, 1989: Ord. 13528 §3; January 3, 1983: Ord. 13080 §1; January 12, 1981: Ord. 12751 §17; November 5, 1979: Ord. 12571 §227; May 8, 1979).